

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE No. 04-239

CASE NO. SC05-851

JUDGE RICHARD H. ALBRITTON, JR.

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**MOTION TO AWARD ATTORNEY'S FEES**

COMES NOW, Judge Richard H. Albritton, Jr., by and through his undersigned counsel, and files this his Motion to Award Attorney's Fees pursuant to Florida Statutes, section 57.105(3) and states, in support, the following:

1. As set forth in detail in Judge Albritton's Motion to Compel, his Reply to the JQC's Memorandum in Opposition to Respondent's Motion to Compel and the Petition for Review, Special Counsel for the Judicial Qualifications Commission has unreasonably failed to produce evidence that the Investigative Hearing Panel considered in finding probable cause.
2. Special Counsel's obligation to disclose this information to the Judge is clear based on Florida Judicial Qualifications Commission Rule 12(b), as well as Florida Supreme Court precedent, including Florida Bar v. Graziano, 696 So. 2d 744 (Fla. 1997). Moreover, the Judicial Qualifications Commission's duty to disclose witness summaries considered by the Investigative Panel was ordered in a previous Judicial Qualifications Commission investigation. See Order entered

February 23, 2001, in Inquiry Concerning a Judge, Cynthia A. Holloway, No. 00-143, Supreme Court Case No. SC00-2226.

3. Special Counsel knew or should have known that the refusal to comply with the Judge's demand for disclosure of the witness summaries considered by the Investigative Panel in finding probable cause was not supported by existing authority and "was taken primarily for the purpose of unreasonable delay."

Respectfully submitted,

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SCOTT K. TOZIAN, ESQUIRE  
Fla. Bar No. 253510  
GWENDOLYN H. HINKLE, ESQ.  
Fla. Bar No. 083062  
SMITH, TOZIAN & HINKLE, P.A.  
109 North Brush Street  
Suite 200  
Tampa, Florida 33602  
(813)273-0063  
Attorneys for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31<sup>st</sup> day of January, 2006, the original of the foregoing Motion to Award Attorney's Fees has been filed via [e-file@flcourts.org](mailto:file@flcourts.org) and furnished by FedEx overnight delivery to:

Honorable Thomas D. Hall  
Clerk  
Supreme Court of Florida  
500 South Duval Street  
Tallahassee, Florida 32399-1927

with copies by U. S. Mail to:

Ms. Brooke S. Kennerly  
Executive Director  
Florida Judicial Qualifications Commission  
1110 Thomasville Road  
Tallahassee, Florida 32303

Judge James R. Wolf  
Chairman, Hearing Panel  
Florida Judicial Qualifications Commission  
1110 Thomasville Road  
Tallahassee, Florida 32303

John R. Beranek, Esquire  
Counsel to the Hearing Panel  
P.O. Box 391  
Tallahassee, Florida 32302

Thomas C. MacDonald, Jr., Esquire  
General Counsel  
Florida Judicial Qualifications Commission  
1904 Holly Lane  
Tampa, Florida 33629

and

David T. Knight, Esquire  
Special Counsel  
Hill, Ward & Henderson, P.A.  
P. O. Box 2231  
Tampa, Florida 33601

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SCOTT K. TOZIAN, ESQUIRE